

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TRAMAIN EDWARD MARTIN,

CASE NO. 1:18 CV 2381

Petitioner,

v.

JUDGE JAMES R. KNEPP II

WARDEN JAY FORSHEY,

Respondent.

**MEMORANDUM OPINION AND
ORDER**

This matter is before the Court on Magistrate Judge William H. Baughman, Jr.'s Report and Recommendation ("R&R") to deny in part and dismiss in part Petitioner Tramaine Edward Martin's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 and further to deny Petitioner's request for an evidentiary hearing. (Doc. 32). Specifically, Judge Baughman recommends the Court dismiss Ground One as non-cognizable under *Stone v. Powell*, 428 U.S. 465 (1976) and as presenting only a question of Ohio law; deny Grounds Two through Four on the merits; and dismiss Grounds Five and Six. *See id.* Judge Baughman further recommends the Court deny Petitioner's request for an evidentiary hearing.

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court

of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on February 8, 2022, and it is now March 8, 2022. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Baughman's R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Baughman's R&R (Doc. 32) as the Order of this Court, DENIES and DISMISSES Petitioner's Petition (Doc. 1), and DENIES Petitioner's request for an evidentiary hearing as set forth in the R&R.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE